

JAY★CHEN

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December 18, 2012

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RECEIVED
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OFFICE OF THE ATTORNEY
GENERAL

RE: MUR 6668

Dear Mr. Jordan:

This is a response to your letter dated November 1, 2012, which we received on November 6, 2012, regarding a complaint filed by Bruce John Buettell of Fullerton, California. Thank you for the extension of time to respond.

The accusation of coordination made by Mr. Buettell is completely without merit or evidence and should be dismissed outright by the FEC. It is unfortunate that Mr. Buettell and the Royce campaign seeks to waste taxpayer dollars on what is basically a politically motivated attack, issued at the 11th hour as a distraction for our campaign.

Mr. Buettell falsely accuses my campaign of coordinating with America Shining (the independent expenditure committee), and claims that the conduct prong of the FEC's coordinated communications regulation is satisfied because Mailing Pros Inc. (MPI) served as a Common Vendor for both committees. Let me state clearly that there has been no coordination between my campaign and America Shining, and MPI is not a Common Vendor.

Facts

1. **No relationship or communication with MPI** - My congressional campaign has no relationship with MPI and has never communicated with MPI. MPI is a local sub-vendor hired by one of our mail consultants to print pre-designed mail and deliver it to the post office. My campaign had no role in the selection of MPI, has never communicated with them, and never made any direct payment to them. Until this complaint was alleged, I was not aware that they were one of our sub-vendors.
2. **MPI has no strategic input in campaign, only prints and mails as directed** - MPI does not participate in any strategy or design work, they only print and deliver mail that has already been designed by our mail consultant. Contrary to the allegations in the complaint, MPI did not "run" our mailing campaign, they only executed the final step involving printing and delivery to the post office. One of our

mail consultants is located in Washington D.C., and needed a print shop in Los Angeles to speed the print and delivery of our campaign mail. Within days of receiving a design and mailing list, MPI prints the mail pieces (usually in quantities of 50,000 and higher) and the postal service delivers the mail pieces throughout the district, at which point the piece becomes public. MPI is only privy to the nature of a mail campaign a few days before the public is, limiting any strategic value MPI possesses. Furthermore, under standard client confidentiality rules, MPI is prohibited from sharing our mail designs with third parties.

3. **MPI is one of several mail houses used by Campaign** - MPI was not the only mailing house sub-contracted during this congressional campaign. We have also used sub-vendors via Imprenta Communications Group and Touch Litho. MPI did not provide proprietary, strategic services that required us to use them exclusively. They merely printed our mail which many other firms did as well.
4. **No message coordination** - The mail pieces supplied by Mr. Buettell do not support his theory of coordination. By Mr. Buettell's own admission, the mail pieces issued by America Shining discuss Medicare and use the tagline, "New Leader for a Brighter Future", while my committee did not discuss Medicare and we used the tagline "New Leadership. New Ideas."
5. **No evidence of coordination** - There is no evidence that MPI used or conveyed information about plans between the Chen Campaign and America Shining. Simply being in a position to coordinate a day or two in advance of a print run, is not proof that such coordination has occurred, nor is it of any strategic value. The commission must act upon more than a theoretical possibility of coordination, it must act upon actual evidence.

Legal Analysis

Mr. Buettell claims that our case satisfies the conduct prong of a coordinated campaign because he claims that MPI is a Common Vendor. However, per Title 11 CFR 109.21(d)(4)(ii) in order to qualify as a Common Vendor, the following factors must be satisfied:

- (1) American Shining must have contracted with or employed MPI to create, produce or distribute their communications;
- (2) MPI must have provided one of the following services to our committee:

- (A) Development of media strategy, including selection or purchasing of advertising slots;
- (B) Selection of audiences;
- (C) Polling;
- (D) Fundraising;
- (E) Developing the content of a public communication;
- (F) Producing a public communication;
- (G) Identifying voters or developing voter lists, mailing lists, or donor lists;
- (H) Selecting personnel, contractors, or subcontractors;
- (I) Consulting or otherwise providing political or media advice;

(3) MPI must have used or conveyed to American Shining strategic information about my campaign that is material to the creation, production or distribution of American Shining's communication.

While I cannot speak to any agreement between American Shining and MPI, I can confirm that MPI has not provided any of the strategic services listed above to my campaign. MPI was only responsible for; 1) printing mail pieces produced by Baughman in Washington D.C.; 2) printing on mailing addresses from a list provided by Baughman; 3) delivering the completed mailers to the nearest post office.

MPI played no role in developing media strategy, selecting audiences, polling, fundraising, developing content, producing communications, identifying voters, selecting personnel or subcontractors, political consulting, or providing any type of political or media advice. To this date we still have not communicated with MPI.

Furthermore, there is no evidence and the complaint fails to demonstrate any evidence that MPI acquired any strategic information about my campaign, let alone used or conveyed any such strategic information to assist American Shining. The complaint merely states that because MPI provided services to my campaign and American Shining within 120 days, MPI was "in a position to acquire information" about my campaign and "[i]t follows that [MPI] used or conveyed information" about my campaign's plans or needs to American Shining.

In conclusion, this is a frivolous complaint making unsubstantiated allegations that should have been dismissed outright. Mr. Buettell and the Royce Committee filed this complaint

at the 11th hour to generate negative publicity for my campaign. Immediately after this complaint was filed the Royce campaign issued a press release claiming that the FEC had opened an "Official Investigation" when in fact the FEC still considered this to be a confidential matter.

Clearly, this was a politically motivated complaint, is without merit or substance, and should be dismissed immediately. Thank you for your time, and I look forward to your response. If you would like to speak with me you can reach me at 626-534-3544.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Chen", with a stylized, cursive script.

Jay Chen